

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

JORY STRIZICH,

Plaintiff,

vs.

BOB EDWARDS, DAN O'FALLON,  
KEITH KAULULAAU, and  
RICHARD ENGLISH,

Defendants.

**CV-16-00034-GF-BMM-JTJ**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

The Court issued an Order directing Plaintiff Jory Strizich to file an initial disclosure statement as required by Paragraph I(A) of the Court's Scheduling Order within 30 days. (Doc. 26.) Mr. Strizich has failed to comply with the Court's Order. (Doc. 27 at 1.) United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 20, 2017. (Doc. 27.) Neither party filed objections.

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations,

however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston recommended that the Court dismiss Mr. Strizich's case because he failed to comply with the Court's Order. (Doc. 27 at 4.) The Court specifically advised Mr. Strizich that failure to comply with the Court's Order would result in a recommendation that the case be dismissed (Doc. 27 at 1.) Judge Johnston referenced the public interest, the Court's interest in managing its docket, risk of prejudice to the Defendants, the availability of less drastic alternatives, and public policy in determining that dismissal proves to be the correct path forward. These factors comprise the legal standard for determining when dismissal should be imposed as a sanction for failure to comply with a court order. *Pagtalunan v. Galaza*, 291 F.3d 639 (9th Cir. 2002) (citing *Ferdick*, 963 F.2d at 1260-61).

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 27) is ADOPTED IN FULL.

**IT IS FURTHER ORDERED** that this matter is DISMISSED pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of Court is directed to close this matter, enter judgment pursuant to Rule 58 of the Federal Rules of

Civil Procedure, and terminate all pending motions. The Clerk of Court is further directed to have the docket reflect that the Court certifies, pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure, that any appeal of this decision would not be taken in good faith.

DATED this 7th day of February, 2017.

A handwritten signature in blue ink that reads "Brian Morris".

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Brian Morris  
United States District Court Judge